

PART 103—ENLISTMENT, APPOINTMENT, AND ASSIGNMENT OF INDIVIDUALS IN RESERVE COMPONENTS

Sec.

103.1 Purpose and applicability.

103.2 Policy.

§ 103.1 Purpose and applicability.

This part provides standards, procedures, and priority guidelines for enlistment, assignment or appointment of individuals in units of the Reserve Components of the Military Departments.

(10 U.S.C. 510, 511; sec. 301, 80 Stat. 379, 5 U.S.C. 301)

[36 FR 22576, Nov. 25, 1971]

§ 103.2 Policy.

(a) Physical and mental standards for male personnel enlisted in the basic enlistment pay grade will not be higher than those prescribed by the Military Selective Service Act of 1967, or DOD Directive 1145.1, "Qualitative Distribution of Military Manpower," September 13, 1967,¹ which establish minimum standards for acceptability into the regular services. Higher physical and mental standards may be specified by the appropriate Secretary of a Military Department for initial enlistment in a grade higher than the basic enlistment pay grade or for enlistment in a program leading to a commission.

(b) The appropriate Secretary shall, except as otherwise provided by law, prescribe physical, mental, moral, academic attainment, professional and age qualifications for appointment of reserve members of the Armed Forces of the United States.

(c) The enlistment of individuals under the provisions of section 511(a) or 511(d) of title 10 U.S. Code, and the assignment of applicants to units of the Ready Reserve shall normally be in accordance with the order of priorities listed below. Applicants in categories (1) through (6) may be enlisted without regard to their date of application. Nonprior service applicants in category (7) who are accepted on reserve unit enlistment waiting lists will be retained

in their original priority. However, exceptions to these policies may be made when, in the best judgment of those responsible for the procurement of reserve personnel, an applicant's prior military service or significant civilian training or experience in the occupational skill concerned is considered to warrant it. In such cases, notation as to the basis of the exception shall be made in the individual's service record.

(1) Members of the Selected Reserve who desire to reenlist.

(2) Members of Selected Reserve units applying for transfer from another locality.

(3) Members of the Selected Reserve who were relieved from assignment to units due to reorganization, inactivation, or relocation of their units.

(4) Members of the Ready Reserve Pool.

(5) Prior service applicants.

(6) Nonprior service individuals who have not undergone random selection for induction (includes all qualified female nonprior service applicants), or who have undergone random selection for induction and have passed through their full year of vulnerability without induction.

(7) Nonprior service individuals who have undergone random selection for induction but have not yet passed through their full year of vulnerability.

(d) In conjunction with the policies in paragraph (c) of this section, the Secretaries of the Military Departments will require their Reserve Components to actively recruit qualified individuals of all races, creeds, and ethnic groups toward the end that all units shall generally reflect the character of the population in the unit's recruiting area.

(e) Prior to enlisting a draft-liable individual in one of the Reserve Components, the applicant shall be required to sign a written statement to the effect that he has not received orders to report for induction, that any subsequent receipt of such orders will be reported to his unit commander, and that he understands he is subject to an induction order if issued before he enlists.

(1) An individual who enlists in a Reserve Component and who subsequently

¹Filed as part of original.

receives orders to report for induction, the issuing date of which precedes his date of enlistment, shall be discharged from his Reserve Component for the purpose of induction into the Armed Forces.

(2) The discharge should be effected concurrently with the induction so as to continue the individual's military obligation consistent with §50.2(d) of this title.

(3) The date of issuance of orders to report for induction shall be considered to be the date of mailing of such orders by appropriate authority in the Selective Service System.

(f) Individual applicants for assignment or enlistment in the Reserve Components shall not be accepted unless there is reasonable assurance that they will be available and able to participate satisfactorily in the unit concerned. In this respect careful consideration shall be given to the geographical location, future plans, and possible conflicts with the civilian occupation of the individual applicant. Individuals who are engaged in or preparing for a skill listed in the Department of Labor "List of Critical Occupations for Screening the Ready Reserve" shall not be enlisted unless there is an overriding military necessity for their skill consistent with part 125 of this title.

(g) Reserve members who have enlisted under the provisions of section 511(d) of title 10, U.S.C., and who thereafter incur either a bona fide temporary, nonmilitary obligation requiring overseas residency outside the United States, or a bona fide, temporary, religious missionary obligation which would conflict with their required participation in reserve training, may, upon their request, be reenlisted under the provisions of section 511(a) of title 10, U.S.C. Requests under the provisions of this subsection, except those from members who incur a legitimate religious missionary obligation, will be approved by the Secretary of the Military Department concerned. Requests from members based on a religious missionary obligation may be approved by the local National Guard or Reserve Component Commander. Approval of all such requests are subject to the following requirements:

(1) Certification of the obligation is made by the employer, sponsor, or recognized church body as appropriate.

(2) Reserve members concerned have completed their initial period of active-duty-for-training.

(3) The approving authority concerned is satisfied that the request is bona fide.

(4) Reenlistment contracts for such individuals will include an agreement to serve for a period of time which will include the period of temporary, nonmilitary obligation (not to exceed 30 months) plus the remaining obligatory military service remaining under the original enlistment contract. Such reenlistment contracts will assure that each individual will serve a total of six (6) years of reserve service as required by law.

(5) The individual reservists concerned will be carried as members of the inactive National Guard or the Ready Reserve Pool, as appropriate, during the period of nonmilitary obligation, and as such, will be subject to being involuntarily ordered to active duty as authorized by law (see paragraph IV.C.2 of DOD Directive 1215.13, "Unsatisfactory Performance of Ready Reserve Obligation," October 12, 1970.¹

(10 U.S.C. 510, 511; sec. 301, 80 Stat. 379, 5 U.S.C. 301)

[36 FR 22576, Nov. 25, 1971]

PART 104—CIVILIAN EMPLOYMENT AND REEMPLOYMENT RIGHTS OF APPLICANTS FOR, AND SERVICE MEMBERS AND FORMER SERVICE MEMBERS OF THE UNIFORMED SERVICES

Sec.

104.1 Purpose.

104.2 Applicability.

104.3 Definitions.

104.4 Policy.

104.5 Responsibilities.

104.6 Procedures.

APPENDIX A TO PART 104—CIVILIAN EMPLOYMENT AND REEMPLOYMENT RIGHTS, BENEFITS AND OBLIGATIONS FOR APPLICANTS FOR, AND SERVICE MEMBERS AND FORMER

¹Filed as part of the original document. Copies available from the U.S. Naval Publications and Forms Center, 5801 Tabor Ave., Philadelphia, PA 19120, Attention: Code 300.